

<b>TAMMI WHEELER</b>	)	
Claimant	)	
VS.	)	
	)	Docket No. 247,943
<b>SHAY PRODUCTIONS</b>	)	
Respondent	)	
AND	)	
	)	
<b>UNKNOWN</b>	)	
Insurance Carrier	)	

After reviewing the record and considering the arguments, the Board concludes the issue raised in this appeal is not a jurisdictional issue, the Board has no jurisdiction over the issue raised, and the appeal should be dismissed.

On appeals from preliminary hearing orders, the Board has limited jurisdiction. The Board's jurisdiction is limited to review of contentions that the ALJ has exceeded his/her jurisdiction. In K.S.A. 44-534a, the legislature designated certain issues as jurisdictional issues. These include findings with regard to whether claimant suffered an accidental injury, whether the injury arose out of and in the course of employment, whether notice is given or claim timely made, or whether certain defenses apply. The issue raised in this appeal is not one listed in K.S.A. 44-534a and is not otherwise a jurisdictional issue. The Board, therefore, does not have authority to review this issue at this stage of the proceedings.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the appeal of the Order entered by Administrative Law Judge Jon L. Frobish on April 6, 2000, should be, and is hereby, dismissed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of June 2000.

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BOARD MEMBER

c: Stephen J. Jones, Wichita, KS  
Warren R. Southard, Wichita, KS  
Jon L. Frobish, Administrative Law Judge  
Philip S. Harness, Director